IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 1070 of 2005

Between:

L. Gopal Rao (E 61405), S/o. Babanna,aged 56 years,
Working as Depot Clerk (Oils), APSRTC, Nizamabad - I,
Nizamabad.

..... PETITIONER

AND

1. The Andhra Pradesh State Road Tranport

Corporation, Rep by its Regional Manager, Nizamabad.
2. The Divisional Manager, APSRTC, Nizamabad.
3. The Depot Manager-I, APSRTC, Nizamabad.
4. The Indian Oil Corporation Limited (Marketing Division),

Naspur House, 36-436 to 438, Himayatnagar,
Hyderabad - 29, rep by its Divisional Cons. Sales Manager

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ or order or direction, especially one in the nature of Writ of Mandamus : i) declaring the office order No. 01/534(1)04-NZB-I, dt. 23-11-2004 issued by the 3rd respondent, as illegal and arbitrary and set-a-aside the same ii) consequently direct the respondents to restore in increments deferred and pay back the amount already recovered, if any, in terms of Office order No. 01/534(1)04-NZB-I, dated 23-11-2004 issued by the 3rd respondent.

Counsel for the Petitioner: MR.K.VASUDEVA REDDY

Counsel for the Respondents: MR.V.T.M.PRASAD

The Court made the following:

ORDER:

To declare the office order No.01/534(1)/04-NZB-I, dated 23.11.2004 issued by the third respondent as illegal and arbitrary by setting aside the same and the consequential direction to restore the increments deferred and pay back the amount already recovered, the present Writ Petition is filed.

Learned counsel for the petitioner contended that without waiting for the result of the appeal preferred by the petitioner to the second respondent, the respondents have started recovering the amount of Rs.41,238/- which is illegal and hence he prayed to set aside the same.

On the other hand, the learned counsel for the respondents opposed the same and contended that it is for the appellate authority to take appropriate decision.

For having failed to inform the Mechanical Supervisor and Security Head Guard while unloading of Oil on 24.04.2004, the departmental enquiry was ordered against the writ petitioner. The Enquiry Officer conducted the enquiry and submitted a report to the Disciplinary Authority. The Disciplinary Authority passed the impugned order imposing the punishment of deferment of annual increment for a period of two years cumulatively and also recovery of an amount of Rs.41,238/- towards the loss of 1800 litres of high speed diesel. Aggrieved by the said order the writ petitioner filed an

appeal before the second respondent and it is pending.

The petitioner cannot be permitted to prosecute two parallel proceedings in respect of the same punishment. Therefore, the Writ Petition is devoid of any merit.

Accordingly, the Writ Petition is disposed of with a direction to the second respondent to pass appropriate orders on the appeal filed by the writ petitioner within three months from the date of receipt of a copy of this order. No costs.

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K.C. BHANU,J

Dated:31.01.2005,

CCM

To:

1. The Andhra Pradesh State Road Tranport

Corporation, Rep by its Regional Manager, Nizamabad.
2. The Divisional Manager, APSRTC, Nizamabad.
3. The Depot Manager-I, APSRTC, Nizamabad.
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